

**IN THE CLAIMS**

**Amendments To The Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) An information recording and reproducing apparatus including a reproducing part for reproducing a video and audio signal from an analog recording medium, and a recording part for recording the video and audio signal onto a digital recording medium, comprising:

    a control signal detecting part for detecting a control signal recorded on the analog recording medium together with the video and audio signal;

    a control part for controlling operations of the reproducing part, the recording part, and the control signal detecting part; and

    a free space obtaining part for obtaining a free space of the digital recording medium,

    wherein, when a dubbing instruction is input,

        the control part calculates a recording time of a video and audio signal of the analog recording medium based on a control signal detected by the control signal detecting part from the analog recording medium,

        determines a bit rate during recording of the video and audio signal by the recording part so that all the video and audio signal corresponding to the calculated time is recorded in the free space of the digital recording medium obtained by the free space obtaining part, and

        starts a dubbing operation of recording the video and audio signal reproduced by the reproducing part onto the digital recording medium by the recording part in accordance with the bit rate,

        during the dubbing operation, when the control signal detecting part detects a non-recorded region where the control signal is not recorded on the analog recording medium, the control part instructs the recording part to temporarily stop recording onto

the digital recording medium while allowing the reproducing part to continue the reproducing operation, and

reproduction control signals are recorded at an equal interval in portions where analog video and audio information is recorded.

2. (Original) The information recording and reproducing apparatus according to claim 1, wherein, during the dubbing operation, when the control signal detecting part detects the control signal again on the analog recording medium after the recording part temporarily stops recording onto the digital recording medium, the control part instructs the recording part to resume recording onto the digital recording medium.

3. (Cancelled)

4. (Currently Amended) The information recording and reproducing apparatus according to claim 1, using a tape-shaped medium as the analog recording medium, comprising

a control head for reading a control signal from the tape-shaped medium, wherein, when a dubbing instruction is input, the control part first-forwards the tape-shaped medium to a trailing edge, and thereafter, while the tape-shaped medium is rewound to a leading edge, the control head obtains a control signal recorded on the tape-shaped medium.

5. (Original) The information recording and reproducing apparatus according to claim 4, further comprising a storage part for storing a recording time of a video and audio signal recorded on the analog recording medium, calculated based on the control signal,

wherein the control part instructs the reproducing part and the recording part to complete the dubbing operation, when the trailing edge of the analog recording medium is detected during the dubbing operation, and

after completion of the dubbing operation, when a dubbing instruction is input again without taking the analog recording medium out of the information recording and

reproducing apparatus, the control part rewinds the tape-shaped medium to the leading edge, determines a bit rate during recording of the video and audio signal by the recording part, using the recording time stored in the storage part, and starts the dubbing operation in accordance with the bit rate.

6. (Previously Presented) The information recording and reproducing apparatus according to claim 1, further comprising a user interface,

wherein, in a case where a recordable time when information is recorded at a lowest bit rate in the free space of the digital recording medium is shorter than a recording time of the video and audio signal recorded on the analog recording medium, the control part performs at least one of warning display to the user interface and suspension of the dubbing operation.

7. (New) The information recording and reproducing apparatus according to claim 1, wherein the reproduction control signals are configured to be read when the magnetic tape medium is played back, fast-forwarded or rewound.

8. (New) The information recording and reproducing apparatus according to claim 1, wherein the reproduction signals are not present in the portions of the digital recording medium where the analog video and audio information is not recorded.